

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|------------------------------|---|--------------|
| ROGER SNYDER and EARL KEAN | : | CIVIL ACTION |
| | : | |
| v. | : | No. 08-5217 |
| | : | |
| CHARLES M. KRAUS, III et al. | : | |

ORDER

AND NOW, this 2nd day of March, 2010, it is ORDERED Plaintiffs may file a second amended complaint no later than March 22, 2010.¹

It is further ORDERED the Motion to Dismiss Plaintiffs' Amended Complaint, filed by Defendants Steve Speers, Charles Tupper, and Nancy Garber (collectively, Supervisor Defendants) (Doc. 19), is GRANTED in part, and DENIED in part, without prejudice to reassertion after March 22, 2010.²

It is further ORDERED the Motion to Dismiss Plaintiffs' Amended Complaint, filed by Charles M. Kraus, III, Kenneth M. Henry, and Randall J. Aument (Doc. 13), is DENIED without prejudice to reassertion after March 22, 2010.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.

¹ See *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002) ("When a plaintiff does *not* seek leave to amend a deficient complaint after a defendant moves to dismiss it, the court must inform the plaintiff that he has leave to amend within a set period of time, unless amendment would be inequitable or futile."). Plaintiffs are directed to make factual allegations in conformity with the pleading standards elucidated in *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

² Supervisor Defendants' Motion is granted as to Snyder's First Amendment claims predicated on his removal from various municipal positions. The remainder of Supervisor Defendants' Motion is denied without prejudice.